

Notice of Allowability	Application No.	Applicant(s)
	10/005,643	BENKLEY, FRED G.
	Examiner Aaron W. Carter	Art Unit 2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to papers filed on February 6, 2006.
2. The allowed claim(s) is/are 1-19,35,37-69,71-79 and 81-87.
3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

JINGGE WU
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with William R. McClellan (Reg. No. 29,409) on March 21, 2006.

The application has been amended as follows:

As to claim 79:

Please replace claim 79 with amended claim 79 below:

79. A fingerprint sensing system comprising:
an image sensor comprising an array of capacitive sensors for capacitive sensing of ridge peaks and ridge valleys of a fingerprint on a moving finger;
a finger sensor for sensing the speed of a finger as it moves across said image sensor,
wherein said image sensor and said finger sensor are fabricated on a single substrate; and
a sensor circuit, separate from said substrate, for operating said image sensor and said finger sensor to provide fingerprint data; and
wherein said image sensor further comprises:

an image pickup plate disposed generally laterally with respect to a direction of movement of the finger; and
a plurality of image drive plates in spaced relation to said image pickup plate to define a plurality of sensor gaps between respective image drive plates and image pickup plate.

As to claim 80:

Please cancel claim 80.

DETAILED ACTION

Response to Amendment

2. In response to applicant's amendment received on January 12, 2006, all requested changes to the claims have been entered.

Response to Arguments

Applicant's arguments, see Remarks, pages 14-23, filed January 12, 2006, with respect to claims 1-19, 35, 37-69, 71-78 and 80-87 have been fully considered and are persuasive. The 35 USC 102(e) and 103(a) of these claims has been withdrawn.

Allowable Subject Matter

Claims 1-19, 35, 37-69, 71-79 and 81-87 are allowed.

The following is an examiner's statement of reasons for allowance:

As to claims 1, 35, 67, 73, 79, 82 and 84, none of the prior art teach or fairly suggest the limitation of scanning a finger comprising "an image pickup plate" and "a plurality of image drive plates in spaced relation to said image pickup plate to define a plurality of sensor gaps between respective image drive plates and said image pickup plate", in combination with the other limitations of the claim. The prior art of Puttkammer, already of record, discloses the use of a receiving electrode and a plurality of transmitting electrodes to detect conductive printing dyes on document, however does not teach or fairly suggest using the scanner on a finger. Further more, the prior art of Raynal, already of record, discloses a plurality of image pickup plates in spaced relation to a plurality of image drive plates (Fig. 3 and column 4, lines 58-67), but does not teach or fairly suggest *an* image pickup plate and a plurality of image drive plates as defined in the limitations of claims 1, 35, 67, 73, 79, 82 and 84.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron W. Carter whose telephone number is (571) 272-7445. The examiner can normally be reached on 8am - 4:30 am (Mon. - Fri.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jingge Wu can be reached on (571) 272-7429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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JINGGE WU
PRIMARY EXAMINER